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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,076	10/21/2005	Toshio Tahira	63,128 (70904)	1859
21874 7590 06/25/2008 EDWARDS ANGELL PALMER & DODGE LLP P.O. BOX 55874 BOSTON, MA 02205				
EXAMINER				
HORNING, JOEL G				
ART UNIT		PAPER NUMBER		
4172				
MAIL DATE		DELIVERY MODE		
06/25/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,076

Applicant(s)

TAHIRA ET AL.

Examiner

JOEL HORNING

Art Unit

4172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group A, claim(s) 1-5, 10, 11 and 41-45 and 50, drawn to a method depositing an organic EL material via an electrostatic attraction type inkjet.

Group B, claim(s) 6-9, 46-49, drawn to a method depositing an organic EL material via an electrostatic inkjet method wherein the volumetric concentration of the EL liquid is "substantially" $\beta \times t/(\alpha \times D)$.

Group C, claim(s) 12, drawn to an apparatus of an electrostatic attraction type inkjet .

Group D, claim(s) 13, drawn to an apparatus of an electrostatic attraction type inkjet wherein the ink liquid has a volumetric concentration is "substantially" $\beta \times t/(\alpha \times D)$.

Group E, claim(s) 14-17 and 31, drawn to a method of ejecting droplets of a spacer material less than 1 pl in size by an inkjet method and curing the spacer material.

Group F, claim(s) 18-22 and 51, drawn to a method of ejecting droplets of a spacer material by an inkjet method wherein the spacer material is continuously emitted as the inkjet head moves away from the substrate, forming a column-like shape and then curing the material.

Group G, claim(s) 23-26 and 52, drawn to a method of ejecting spacer material by using an electrostatic attraction type inkjet device wherein the ejected drops are less than 1pl in volume.

Group H, claim(s) 27-30 and 53, drawn to a method of hitting a spacer with a droplet from an electrostatic attraction-type inkjet device, so the spacer moves.

Group I, claim(s) 32-34, 38, 54 and 55, drawn to a method of ejecting drops of color filter layer liquid by an inkjet method.

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Group J, claim(s) 35-37 and 56-58, drawn to a method of ejecting drops of color filter layer liquid by an electrostatic-type inkjet method wherein the ink liquid has a volumetric concentration is "substantially" $\beta \times t/(\alpha \times D)$.

Group K, claim(s) 39, drawn to an apparatus of an electrostatic attraction-type inkjet wherein the nozzle has a diameter less than the diameter of the droplets and device ejects drops of the color filter liquid less than 1pl in volume.

Group L, claim(s) 40, drawn to an apparatus of an electrostatic attraction-type inkjet wherein the nozzle has a diameter less than the diameter of the droplets and device ejects drops less than 1pl in volume and the ink liquid has a volumetric concentration is "substantially" $\beta \times t/(\alpha \times D)$.

2. The inventions listed as Groups A-L do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

3. The technical feature all of the groups have in common is an inkjet device (see claim 18). At the time of invention, inkjet devices were well known to the art, see the supplied Japanese patent abstract publication 2001-232798. Thus, the common technical feature is not a special technical feature.

4. A telephone call was made to David Tucker on 05-27-08 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does

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not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOEL HORNING whose telephone number is (571) 270-5357. The examiner can normally be reached on 7:30am-5:00pm EST Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vickie Kim can be reached on (571) 272-0579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JH

/Brian K Talbot/
Primary Examiner, Art Unit 1792

